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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/925,580

08/09/2001

Vugranam C. Sreedhar

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SUITE 205

FAIRFIELD, CT 06824

EXAMINER

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ART UNIT

PAPER NUMBER

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DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* VUGRANAM C. SREEDHAR

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Appeal No. 2008-004387  
Application No. 09/925,580  
Technology Center 2100

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Mailed: July 24, 2009

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Before DALE M. SHAW *Chief Appeals Administrator*

ORDER REMANDING TO EXAMINER

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This application was electronically received by the Board of Patent Appeals and Interferences (BPAI) on June 30, 2008. A docketing notice was mailed to Appellant on July 9, 2008. A further review of the application has revealed that it is not ready for decision consideration by a BPAI judicial panel. Accordingly, the application is herewith being remanded to the Examiner to address the following matter.

### APPEAL BRIEF, APPEALED CLAIMS

Appellant has not appealed all rejected claims. Specifically, a review of the Grounds of Rejection on the record finds that rejections are outstanding for the following pending claims: 2-4, 10-12, and 18. The rejected claims that have not been appealed and/or argued for appeal are claims 2, 3, 10, and 11.

### DISCUSSION

The Board of Appeals and Interferences (Board), in *Ex parte Ghuman*, <http://www.uspto.gov/web/offices/dcom/bpai/prec/rm081175.pdf> (BPAI May 14, 2008) (precedential), held that in appeals where rejected claims are expressly withdrawn, or are implicitly withdrawn by not presenting arguments in support of patentability, the Board will remand (or return) the application to the Examiner with instructions to cancel the expressly or implicitly withdrawn claims. *See also Manual of Patent Examining Procedure* (MPEP) § 1215.03 (8<sup>th</sup> ed. Rev. 7, Sept 2008).

**CONCLUSION**

Accordingly, it is

ORDERED that this application be remanded to the Examiner to:

- 1) to enter a paper canceling claims 2, 3, 10, and 11; and
- 2) upon entry of the paper, to return the application to the Board  
for the consideration of appealed claims; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the  
Board of Patent Appeals and Interferences at 571-272-9797.

DMS/PEB

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